

**CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP**

101 Park Avenue
New York, New York 10178-0061
Telephone: (212) 696-6000
Facsimile: (212) 697-1559
L. P. Harrison 3rd
Turner P. Smith
Peter J. Buenger

Counsel for the Petitioner

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	X
PICKENPACK HOLDING GERMANY GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)
In re:	:	X
PICKENPACK EUROPE GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)
In re:	:	X
PICKENPACK PRODUCTION LÜNEBURG GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)
In re:	:	X
TST THE SEAFOOD TRADERS GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)

**MOTION OF FOREIGN REPRESENTATIVE FOR AN ORDER
DIRECTING JOINT ADMINISTRATION OF CHAPTER 15 CASES
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 1015**

Friedrich von Kaltenborn-Stachau, in his capacity as Insolvency Administrator (*Insolvenzverwalter*) (the “Petitioner”) of Pickenpack Holding Germany GmbH, Pickenpack Europe GmbH, Pickenpack Production Lüneburg GmbH, and TST The Seafood Traders GmbH (collectively, the “Pickenpack Entities”), and as a duly authorized foreign representative as defined by section 101(24) of title 11 of the United States Code, as amended (the “Bankruptcy

Code”), through his United States counsel, Curtis, Mallet-Prevost, Colt & Mosle LLP, respectfully submits this motion (the “Motion”) for the entry of an order directing and authorizing the joint administration of the above-captioned chapter 15 cases pursuant to rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of the Motion, the Petitioner respectfully represents as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Southern District of New York (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and sections 109 and 1501 of the Bankruptcy Code.
2. Venue is properly located in this district pursuant to 28 U.S.C. § 1410.
3. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(P).

BACKGROUND

4. On September 22, 2016, the Petitioner, in his capacity as Insolvency Administrator of the Pickenpack Entities and as a duly authorized foreign representative as defined by section 101(24) of the Bankruptcy Code, filed a form petition and accompanying verified petition on behalf of each Pickenpack Entity pursuant to chapter 15 of the Bankruptcy Code (collectively, the “Petitions”) with the Court seeking recognition of the Pickenpack Entities’ insolvency proceedings under the Insolvency Statute of October 5, 1994, as last amended by Article 19 of the Act of December 20, 2011 (the “German Insolvency Act”), pending before the Local Court of Lüneburg, Germany as “foreign main proceedings,” or, in the alternative, as “foreign non-main proceedings,” as defined in sections 1502(4) and 1502(5), respectively, of the Bankruptcy Code.

5. Additional background concerning the Pickenpack Entities’ chapter 15 cases is set forth in the Petitions.

RELIEF REQUESTED

6. By this Motion, the Petitioner seeks entry of an order directing and authorizing the joint administration of the Pickenpack Entities' chapter 15 cases for procedural purposes only.

7. The Petitioner requests that the Court establish the following official caption to be used by all parties in all pleadings in the Pickenpack Entities' jointly administered chapter 15 cases:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	----- X
	: Chapter 15
	: Case No. 16-_____()
PICKENPACK HOLDING GERMANY GMBH, <i>et al.</i> ¹	: Jointly Administered
Debtors in Foreign Proceedings.	: ----- X

8. The Petitioner also requests that the Court enter a notation substantially similar to the following notation on the docket in each Pickenpack Entity's chapter 15 case to reflect the joint administration of the cases:

An Order has been entered in this case directing the procedural consolidation and joint administration of the chapter 15 cases of Pickenpack Holding Germany GmbH, Pickenpack Europe GmbH, Pickenpack Production Lüneburg GmbH, and TST The Seafood Traders GmbH. The docket for Case No. 16-_____() should be consulted for all matters affecting this case.

BASIS FOR RELIEF REQUESTED

9. Bankruptcy Rule 1015(b) provides, in relevant part, that if "two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a

¹ The Debtors in these chapter 15 cases are: (i) Pickenpack Holding Germany GmbH; (ii) Pickenpack Europe GmbH; (iii) Pickenpack Production Lüneburg GmbH; and (iv) TST The Seafood Traders GmbH. The registered office for the Pickenpack Entities is located at Lüner Rennbahn 9, 21339 Lüneburg, Germany.

joint administration of the estates.” Fed. R. Bankr. P. 1015(b). Pickenpack Production Lüneburg GmbH, Pickenpack Europe GmbH, and TST The Seafood Traders GmbH are wholly owned subsidiaries of Pickenpack Holding Germany GmbH and therefore the Pickenpack Entities are “affiliates” as that term is defined under section 101(2) of the Bankruptcy Code. Accordingly, the Court is authorized to grant the relief requested under Bankruptcy Rule 1015(b).

10. Joint administration of the Pickenpack Entities’ chapter 15 cases will help to provide significant administrative convenience without harming the substantive rights of any party in interest. Specifically, joint administration will avoid the preparation, replication, service, and filing, as applicable, of duplicative notices, motions, applications, and orders, thereby saving the Pickenpack Entities and the Court considerable expense and resources. Joint administration will also permit the Clerk of the Court to use a single general docket for the Pickenpack Entities’ cases and to combine notices to creditors and other parties in interest. Furthermore, joint administration will protect all parties in interest by ensuring that such parties will be apprised of the various matters before the Court in each of the Pickenpack Entities’ respective chapter 15 cases.

11. The relief requested in this Motion will not adversely affect the rights of the Pickenpack Entities’ respective creditors or any other parties in interest because the relief is purely administrative, and not substantive. All creditors and other parties in interest will retain the claims, interests, or rights that they have in or against a particular Pickenpack Entity’s estate.

NOTICE

12. In accordance with Bankruptcy Rule 2002(q), the Petitioner will provide notice of this Motion by United States mail, first-class postage prepaid, by overnight courier, by electronic mail, or by hand delivery where practicable, upon (i) the Pickenpack Entities, (ii) all parties to litigation pending in the United States, if any, in which the Pickenpack Entities are a party at the

time of the filing of the Petitions and their respective counsel, if known, (iii) the Office of the United States Trustee for Region 2, (iv) all parties who filed a request for service of notices pursuant to Bankruptcy Rule 2002, (v) counsel to the debtors and all parties who filed a request for service of notices pursuant to Bankruptcy Rule 2002 in the bankruptcy cases of *In re China Fishery Group Limited (Cayman), et al.*, No. 16-11895 (JLG) (Bankr. S.D.N.Y. 2016), and *In re CFG Investment S.A.C., et al.*, No. 16-11891 (JLG) (Bankr. S.D.N.Y. 2016), and (vi) such other entities as the Court may direct. In light of the administrative nature of the relief requested in the Motion, the Petitioner respectively submits that no further notice is necessary.

13. No prior request for the relief requested herein has been made to this or any other court in the United States.

[Remainder of page intentionally left blank.]

CONCLUSION

WHEREFORE, the Petitioner respectfully requests that the Court enter an order, substantially in the form attached hereto as Exhibit A, directing and authorizing the joint administration of the Pickenpack Entities' chapter 15 cases and grant such other and further relief as may be just and proper.

Dated: New York, New York
September 22, 2016

**CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP**

By: L. P. Harrison 3rd
L. P. Harrison 3rd
Turner P. Smith
Peter J. Buenger
101 Park Avenue
New York, New York 10178-0061
Telephone: (212) 696-6000
Facsimile: (212) 697-1559
Email: lharrison@curtis.com
tsmith@curtis.com
pbuenger@curtis.com

Counsel for the Petitioner

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	X
PICKENPACK HOLDING GERMANY GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)
In re:	:	X
PICKENPACK EUROPE GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)
In re:	:	X
PICKENPACK PRODUCTION LÜNEBURG GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)
In re:	:	X
TST THE SEAFOOD TRADERS GMBH,	:	Chapter 15
Debtor in a Foreign Proceeding.	:	Case No. 16-_____ (____)

**ORDER DIRECTING JOINT ADMINISTRATION OF CHAPTER 15 CASES
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 1015**

Upon the Motion¹ of Friedrich von Kaltenborn-Stachau, in his capacity as Insolvency Administrator (the “Petitioner”) of Pickenpack Holding Germany GmbH, Pickenpack Europe GmbH, Pickenpack Production Lüneburg GmbH and TST The Seafood Traders GmbH (collectively, the “Pickenpack Entities”), and as a duly authorized foreign representative as defined by section 101(24) of title 11 of the United States Code, as amended (the “Bankruptcy Code”), for the entry of an order directing and authorizing the joint administration of the above-captioned chapter 15 cases pursuant to rule 1015(b) of the Federal Rules of Bankruptcy Procedure for procedural purposes only; the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and sections 109 and 1501 of the Bankruptcy Code; and upon consideration of the Motion and the arguments

¹ Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the Motion.

contained therein; and the Court having found that no other or further notice is required; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Motion is granted; and it is further

ORDERED that the Pickenpack Entities' chapter 15 cases are consolidated for procedural purposes only and shall be jointly administered by the Court; and it is further

ORDERED that nothing contained in this Order shall be deemed or construed as directing or otherwise effecting the substantive consolidation of the chapter 15 cases; and it is further

ORDERED that the caption of the jointly administered cases satisfies the requirements of section 342(c)(1) of the Bankruptcy Code in all respects and shall read as follows:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
In re: : Chapter 15
:
PICKENPACK HOLDING GERMANY GMBH, *et al.*,¹ : Case No. 16-_____ (____)
:
Debtors in Foreign Proceedings. : Jointly Administered
:
----- X

and it is further

ORDERED that a docket entry shall be made in the Pickenpack Entities' chapter 15 cases substantially as follows:

An Order has been entered in this case directing the procedural consolidation and joint administration of the chapter 15 cases of Pickenpack Holding Germany GmbH, Pickenpack Europe GmbH, Pickenpack Production Lüneburg GmbH, and TST The Seafood

¹ The Debtors in these chapter 15 cases are: (i) Pickenpack Holding Germany GmbH; (ii) Pickenpack Europe GmbH; (iii) Pickenpack Production Lüneburg GmbH; and (iv) TST The Seafood Traders GmbH. The registered office for the Pickenpack Entities is located at Lüner Rennbahn 9, 21339 Lüneburg, Germany.

Traders GmbH. The docket for Case No. 16-____(____) should be consulted for all matters affecting this case.

and it is further

ORDERED that the Petitioner is authorized and empowered to take such actions as may be necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion; and it is further

ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: _____, 2016
New York, New York

UNITED STATES BANKRUPTCY JUDGE